

REMARKS

This paper is submitted in response to the final Office action mailed on May 29, 2007. This paper neither amends nor cancels any claims. Accordingly, after entry of this Amendment and Response, claims 1, 2, 4-6, 25, 26, 28, 35, 36, 38-40 and 51-53 will remain pending. This Amendment is submitted within two months of the final Office action. Accordingly, we respectfully request the Examiner at a minimum issue an advisory action in this case, and in light of the discussion set forth below, we believe a notice of allowance is appropriate in this case.

I. Claim Rejections Under 35 U.S.C. § 102 and 35 U.S.C. § 103

Claims 51-53 are rejected under 35 U.S.C. § 102(b) as being anticipate by Raz. Claims 1, 2, 4-6, 25, 26, 28, 35, 36 and 38-40 are rejected under 35 U.S.C § 103 as being unpatentable over Raz in view of McKeenhan.

With respect to each grounds of rejection the novelty and non-obviousness of the claims commonly turns on at least one issue of whether Raz discloses or suggests the limitation of "initiating the transaction as a local transaction on the first resource manager without first determining whether the transaction is appropriate to be a local transaction" as recited by claim 1, and similarly as recited by claims 25, 35 and 51-53. We believe that Raz stands for the proposition that some knowledge of whether a transaction is local (and appropriate to be local) is required for the initiation of a local transaction, which is contravention of the limitation set forth above that requires no such knowledge.

The section of Raz relied on in the Office action to teach the limitation, and, in contrast, believed by the Applicant to effectively teach away and not disclose the limitation is set out as follows (*italics ours*):

Turning now to FIG. 11, there is shown a state diagram of a processor 145 in a distributed transaction processing system that uses the preferred atomic commitment protocol to process global transactions. The processor also processes local transactions. The local transactions, for example, are issued by a local user 146 such as an application program executed by the processor. Global transactions issued by the local user are coordinated by the transaction manager 147, that functions as the atomic commitment coordinator for these global transactions. *Therefore, the processor 145 should know whether a transaction is global or local, depending on the source of the transaction.* Existing systems, however, may have to be modified to provide information identifying each transaction as global or local. *The information should be made available to the local scheduler as early as possible for use by the local concurrency control mechanism. Otherwise, each transaction should be assumed to be global, but in this case any optimization of the local concurrency control for local transactions is lost.* When an optimistic local concurrency control is used, for example, *knowledge that a transaction is local can be used at any time before the transaction is decided. For some applications, some transaction types are a-prior known to be local, and hence*

this information could be used to identify local transactions in systems which do not explicitly identify the source of each transaction.

This section first indicates that the processor knows whether a transaction is global or local based on the source of the transaction, and that information (knowledge of whether a transaction is global or local) should be provided to the local scheduler as soon as possible. In the event that local scheduler does not have the information (knowledge of whether a transaction is global or local), the system assumes the transaction is global. The paragraph goes on to indicate that some transaction types associated with an application are known to be local and this information may also be used. In any event the system requires some knowledge or indication that the transaction is local to initiate a local transaction. Absent some knowledge of the transaction type, the system proceeds with the assumption of a global transaction.

We respectfully believe that this paragraph clearly sets forth that (a) initiating a local transaction occurs based on some form of knowledge of whether a transaction is local or global, which is derived from the source of the transaction, transaction type and application or perhaps otherwise, and (b) should the system *not* have that knowledge, then the transaction is assumed global. Accordingly, the recited paragraph simply does not disclose or suggest the claimed limitation of "initiating the transaction as a local transaction on the first resource manager without first determining whether the transaction is appropriate to be a local transaction."

For at least the reasons recited above, we respectfully submit that Raz does not disclose or suggest the recited limitation. McKeenon is not relied on to teach the recited limitation. Accordingly, we believe that all pending claims are patentable under 35 U.S.C. § 102 over Raz alone and under 35 U.S.C. § 103 over Raz in combination with McKeenon.

II. Conclusion

The Applicant thanks the Examiner for his thorough review of the application. The Applicant respectfully submits the present application, as amended, is in condition for allowance and respectfully requests the issuance of a Notice of Allowability as soon as practicable.

The Applicant believes no fees or petitions are due with this filing. However, should any such fees or petitions be required, please consider this a request therefor and authorization to charge Deposit Account No. 04-1415 as necessary.

If the Examiner should require any additional information or amendment, please contact the undersigned attorney.

Dated: July 25, 2007

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gregory R. Durkin", written over a horizontal line.

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